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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

EVANSTON INSURANCE COMPANY, an
 Illinois Corporation.

Plaintiff,

v.

LVI GLOBAL, LLC, a Nevada Limited Liability
 Company, and DAVID HORNBLOWER, an
 individual.

Defendants.

LVI GLOBAL, LLC, a Nevada Limited Liability
 Company,

Counter-Claimant

v.

EVANSTON INSURANCE COMPANY, an
 Illinois Corporation,

Counter-Defendant.

CASE NO.: 2:23-cv-01805-JAD-DJA

**STIPULATION AND ORDER TO
 STAY DISCOVERY FOR 90 DAYS
 PENDING INTERNATIONAL
 SERVICE OF DEFENDANT DAVID
 HORNBLOWER**

Plaintiff Evanston Insurance Company (“Evanston”) and Defendant LVI Global Inc. (“LVI” and with collectively with Evanston, the “Parties”) by and through their attorneys, hereby agree and stipulate to a stay of discovery as follows:

This is an insurance coverage action to determine whether an insurance policy issued by Evanston to LVI provides coverage for claims made against LVI by one David Hornblower. Evanston named both LVI and Hornblower as defendants to this action, and a counter-claim filed by LVI against Evanston for contractual and extra-contractual damages. However, Evanston has

thus far been unable to serve, or obtain any response from Hornblower. Hornblower, according to his pleading in the underlying action is a Canadian citizen. His counsel in the underlying case has refused to accept service or confirm that Evanston has the correct address to serve Mr. Hornblower. Evanston has mailed the appropriate waiver of service forms to Mr. Hornblower's last known address, an address that Mr. Hornblower, himself, published in the underlying litigation, but the time to accept the request to waive service has elapsed. As such, Evanston is in the process of serving Mr. Hornblower via the Hague and will be asking the Court for the fees and costs associated with the same pursuant to Federal Rule of Civil Procedure 4.1(b). Nonetheless, because Mr. Hornblower has not appeared in this action, good cause exists to stay any obligation to conduct a conference pursuant to FRCP 26(f) ~~discovery~~ for ninety (90) days, or until such time as Hornblower appears in this action, if within that ninety (90) day time frame.

To that end, the parties respectfully request that the Court stay the parties' obligations pursuant to FRCP 26(f) to meet and present a discovery plan and schedule for the shorter of ninety (90) days or such time as Hornblower is served and appears in this action. The parties further request that the Court set a status conference for ninety (90) days from now to see how much, if any, additional time may be appropriate. The parties do not waive any substantive or procedural rights by entering into this stipulation.

Dated: February 16, 2024

HALL JAFFE, LLP

CLYDE & CO US LLP

By: /s/ Steven T. Jaffe

By: /s/ Lee H. Gorlin

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Attorneys for Evanston Insurance Company

IT IS THEREFORE ORDERED that the parties' stipulation is **granted in part and denied in part**. It is granted in part regarding the parties' request for a stay. It is denied in part regarding the parties' request for a status conference.

IT IS FURTHER ORDERED that on or before **May 20, 2024**, the parties must file a joint status report regarding the status of the case and whether they intend to seek additional time to serve Mr. Hornblower or whether they intend to submit a discovery plan and scheduling order.

DATED: 2/20/2024


DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

As an employee of Clyde & Co US, LLP, I certify that a copy of the foregoing
**STIPULATION AND ORDER TO STAY DISCOVERY FOR 90 DAYS PENDING
INTERNATIONAL SERVICE OF DEFENDANT DAVID HORNBLOWER** was served by
the method indicated:

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. A printed transmission record is attached to the file copy of this document(s).
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☒ **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic service upon the Court's Registered Service List for the above-referenced case.
- ☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

Dated: February 16, 2024

/s/ Gina Brouse
An employee of Clyde & Co US LLP